

REMARKS

Applicant thanks the Examiner for the detailed Office Action dated 28 November 2007. Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1-28 and 38-43 were pending in this application. Claims 1, 11, 24, and 38 are currently being amended. After amending the claims as set forth above, claims 1-28 and 38-43 remain pending in this application.

Applicant notes that the Office Action Summary fails to include claim 17 in the list of pending claims. This appears to be a typographical error because claim 17 was addressed on the merits in the Office Action. Applicant respectfully requests correction of this error in the next communication from the Patent Office.

For simplicity and clarity purposes in responding to the Office Action, Applicant's remarks are primarily focused on the rejections applied to the independent claims (i.e., claims 1, 11, 24, and 38) as outlined in the Office Action with the understanding that the dependent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicant expressly reserves the right to argue the patentability of the dependent claims separately in any future proceedings.

Claim Rejections – 35 U.S.C. § 102***Independent Claims 1, 11, 24, and 38***

On page 3 of the Office Action, independent claims 1, 11, 24, and 38 and various dependent claims were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent

No. 5,662,681 to Nash et al. Applicant respectfully submits that Nash et al. does not disclose a “block and tackle” that provides a mechanical advantage when the anchor is held in a fixed position as recited in independent claims 1, 24, and 38 or that provides a mechanical advantage when the internal component is positioned against the internal portion of the incision as recited in independent claim 11.

Applicant initially notes that mechanical advantage is the ratio of the output force produced by a mechanism or device to the applied input force. In other words, it is the factor by which the mechanism multiplies the force being put into it. If this ratio is greater than one, the output force of the mechanism is greater than the input force. The ratio is usually calculated by dividing the distance over which the force is applied by the distance over which the load is moved. A mechanism or device is said to provide or have a mechanical advantage if this ratio is greater than one. See http://en.wikipedia.org/wiki/Mechanical_advantage for more information about mechanical advantage and for examples of how to calculate the mechanical advantage.

The closure device of Nash et al. does not provide a mechanical advantage. Nash et al. describes pulling the filament 34 rearward to pull the locking member 36 and the anchor member 32 together. This action sandwiches the sealing plug 30 between the locking member 36 and the anchor member 32. A careful examination of Nash et al. shows that when the anchor member 32 is held in position, each unit of distance that the filament 34 is pulled rearward, the locking member 36 moves the same amount of distance towards the anchor. Thus, the ratio of the output force to the input force is 1:1. There is no mechanical advantage provided by this configuration.

The configuration of the filament 34, anchor 32, and the locking member 36 is similar to a rope that extends through a pulley that is anchored to a ceiling and is hooked to a load at the

other end. The rope is analogous to the filament 34, the pulley anchored to the ceiling is analogous to the anchor member 32 and the load is analogous to the locking member 36. The user pulls on the rope a certain distance and the load moves the same distance. The exact same movement occurs when the filament 34 is pulled. Neither configuration provides a mechanical advantage.

For the foregoing reasons, Applicant respectfully submits that independent claims 1, 11, 24, and 38 and the claims which are dependent thereon are not anticipated by the cited reference and are patentable. Applicant also submits that the claims that were rejected under 35 U.S.C. § 103(a) are also patentable for the same reasons as independent claims 1, 11, and 24.

Applicant respectfully submit that the present Application is in condition for allowance. Applicant requests reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicant respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application, or credit any overpayment, to Deposit Account No. 08-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant

Attorney Docket. No. 47563.0008


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hereby petitions for such extension and authorize payment of any such extension fees to Deposit
Account No. 08-2623.

Respectfully submitted,

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By


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